



PATENT

Attorney Docket No. 3379.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kulp et al.

Examiner: N/A

Serial No: 10/038,895

Group Art Unit: N/A

Filing Date: October 24, 2001

Title: NUCLEIC ACIDS ENCODING
G PROTEIN-COUPLED RECEPTORS

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-
PROVISIONAL APPLICATION**

Sir:

In response to the "Notice to File Missing Parts of Application – Filing Date Granted" mailed by the United States Patent and Trademark Office on March 15, 2002, the following documents are enclosed to complete the filing of the above-identified patent application:

1. A declaration signed by the inventors in compliance with 37 CFR 1.63;
2. Copy of Notice to File Missing Parts of Application – Filing Date Granted.

The United States Patent and Trademark Office is hereby authorized to charge the following fees to Deposit Account No. 19-2386;

Surcharge for filing declaration on a date later than the filing date of application - **\$130.00**

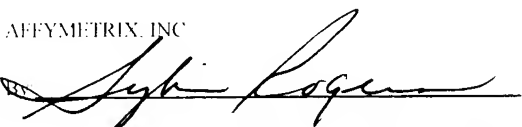
1. TOTAL FEE **\$130.00**

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

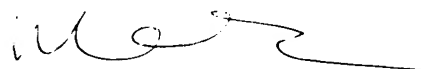
Docket No.: 3379.1

Page 2

It is hereby respectfully submitted that the enclosed documents complete the filing of the above patent application and justify the filing date of October 24, 2001. Please telephone the undersigned at (408) 731-5000, if there are any questions. This form is being submitted in duplicate.

Hereby certify that this correspondence is being deposited by Express Mail to: Commissioner For Patents, Washington, D.C. 20231
On <u>April 22, 2000</u>
Express Mail No.: <u>EL 675 507 203 US</u>
AFFYMETRIX, INC. 

Respectfully submitted,



Wei Zhou
Reg. No. 44,419

Legal Department
Affymetrix, Inc.
3380 Central Expressway
Santa Clara, CA 95051
Tel: 408/731-5000
Fax: 408/731-5392

FEE TRANSMITTAL
for FY 2002

Patent fees are subject to annual revision.

Complete if Known

TOTAL AMOUNT OF PAYMENT

(\$) 130

Application Number

10:038 895

Filing Date

10/24/01

First Named Inventor

Kulp, et al

Examiner Name

TBD

Group / Art Unit

1623

Attorney Docket No

3379 1

METHOD OF PAYMENT (check one)

1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to

Deposit Account Number

01-0431

Deposit Account Name

Affymetrix, Inc

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☐

Payment Enclosed

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1.

BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
*01	740	201	370	Utility filing fee	
*06	330	206	165	Design filing fee	
*07	510	207	255	Plant filing fee	
*08	740	208	370	Reissue filing fee	
*14	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20 **	0	0	0
Independent Claims	3 **	0	0
Multiple Dependent			0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
*03	18	203	9	Claims in excess of 20
*02	84	202	42	Independent claims in excess of 3
*04	280	204	140	Multiple dependent claim, if not paid
*09	84	209	42	** Reissue independent claims over original patent
*10	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater. For Reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	105	65	Surcharge - late filing fee or oath	130
127	50	127	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2 520	147	2 520	For filing a request for reexamination	
112	90 *	112	920 *	Requesting publication of SIR prior to Examiner action	
113	1 40 *	113	1 840 *	Requesting publication of SIR after Examiner action	
115	11 *	115	55	Extension for reply within first month	
116	40 *	116	200	Extension for reply within second month	
117	90 *	117	460	Extension for reply within third month	
118	1 340 *	118	720	Extension for reply within fourth month	
128	1 350	128	980	Extension for reply within fifth month	
119	11 *	119	160	Notice of Appeal	
120	11 *	120	160	Filing a brief in support of an appeal	
121	16 *	121	140	Request for oral hearing	
138	1 110	138	1 510	Petition to institute a public use proceeding	
140	11 *	140	55	Petition to revive - unavoidable	
141	1 280	141	640	Petition to revive - unintentional	
142	1 280	142	640	Utility issue fee (or reissue)	
143	40 *	143	230	Design issue fee	
144	60 *	144	310	Plant issue fee	
122	11 *	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	16 *	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	146	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	149	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	140	179	370	Request for Continued Examination - RCE	
155	165	155	920	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 130

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Wei Zhou

Registration No. Attorney/Agent)

44 419

Telephone

408/731-5000

Signature

Date

4-22-2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/038,895	10/24/2001	David A. Kulp	3379.1

22886
AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3380 CENTRAL EXPRESSWAY
SANTA CLARA, CA 95051



CONFIRMATION NO. 8861

FORMALITIES LETTER



OC000000007651973

Date Mailed: 03/15/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/038,895 10/24/2001 10038895

FILED UNDER 37 CFR 1.53(b)

10/038,895 130.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **10** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE